



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

25 JAN 2017

GENERAL NOTICE LETTER/104(e) REQUEST
URGENT LEGAL MATTER, PROMPT REPLY NECESSARY
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7015 1520 0003 3989 5466

Allied Towing
c/o Allied Marine Industries, Inc.
500 East Indian River Road
Norfolk, Virginia 23523

Re: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana; General Notice Letter and CERCLIS #: LAD008434185; Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e), Information Request

Dear Sir or Madam:

The purpose of this letter is to notify Allied Towing (hereinafter referred to as "Allied," "you" or "your") of its potential liability at the SBA Shipyard Superfund Site (Site) located in Jennings, Jefferson Davis Parish, Louisiana. This letter also seeks your cooperation in providing information and documents relating to the contamination of the Site. Our records indicate that Allied Towing is a former customer at the Site. (Enclosure 2).

BACKGROUND INFORMATION

The Site is situated on approximately 98 acres of land located in a rural-industrial area at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana 70546. The Site is within Section 19 of Range 2W, Township 105 and is located at the end of Louisiana Highway 3166) which is on the west bank of the Mermentau River. The Site is approximately four miles southeast of downtown Jennings and two miles southwest of the village of Mermentau. The Site is bordered to the north by residents, south and west by wetlands, and east by the Mermentau River and wetlands.

The Site primarily consists of two separately-owned parcels of property, one southern and one northern. The southern and northern properties are generally divided by a property line that runs just north of the large barge slip. Suzanne Smaihall Cornelius, (heir of Louis Smaihall, principal of SBA Shipyards, Inc.) and SBA Shipyards, Inc. (now inactive) own the southern property, which historically was operated as a barge cleaning operation. Bunge Street Properties, LLC, f/k/a Leevac Shipyards, Inc., owns the northern property, which historically was operated as a vessel construction and repair operation.

SBA Shipyards, Inc. ("SBA") began operations at the Site on about 1965. Initially, it performed vessel construction and repair operations on what is now the northern parcel. In the 1970s, SBA constructed the graving dock on the northern parcel and dredged the barge slip and constructed the barge cleaning facility on what is now the southern parcel. Leevac Shipyards, Inc. ("Leevac") entered into a lease with option to purchase for the northern vessel construction and repair facility with SBA in 1993. Leevac operated vessel construction and repair operations on the northern parcel beginning in 1993. Leevac then exercised its option to purchase in 1998 and acquired the northern parcel at that time and continued its operations. SBA continued to operate its barge cleaning operations on the southern parcel up until approximately 2006, when Mr. Smailhall died.

Vessel construction and repair utilized two launch slips with on-land rails to haul and launch vessels and eventually a graving dock with a moving gate where a vessel could enter and the dock de-watered to allow construction and repairs on dry land. Both SBA and Leevac activities included sandblasting, cutting and painting, as well as fabricating and repairing vessels. Barge cleaning operations were conducted by SBA only on the southern parcel. SBA converted a small barge placed on land adjacent to the barge slip into its "boiler barge," which it used to generate steam for use in cleaning barges and it also served as the barge cleaning control room.

SBA cleaned barges and other vessels that had contained as last cargos a variety of materials, including, but not limited to: acrylates, asphalt, carbon tetrachloride, coal tar, coke oven tar, carbon black, carbon oil, caustic soda, creosote, cumene, black oil and black oil slop, bunker crude, diesel fuel, heavy grease, waste water, ethyl acrylates, kerosene, lube oil, methanol, number 6 oil, rust, scale, styrene, sour gas oil, soy bean oil, sulphuric acid, tallow, and vinyl acetate.

SBA used a large partially buried barge, as well as above-grade tanks constructed from cut-up barges, to store liquids, sludges, solids and other materials during the barge cleaning process. SBA also constructed and used an unlined surface impoundment called the Oil Pit to store liquids, sludges, solids and other materials. Aside from the Oil Pit, SBA used three other unlined surface impoundments, called Water Pits 1, 2 and 3, to receive wastewater, sludges, and solids from the barge cleaning process.

Records reviews indicate that SBA unsuccessfully undertook efforts to bio-remediate Water Pit 1 during 1990 and 1991. SBA proposed to implement a RCRA Facility Investigation (RFI) and submitted an RCRA RFI Work Plan in 1996, that proposed the complete closure of the impoundments and tanks. EPA issued a RCRA 3008(a) Compliance Order to SBA on July 1, 1997. On September 9, 1997 SBA entered into a Consent Agreement and Final Order (CAFO) with EPA to resolve all issues presented in the Compliance Order regarding storage, disposal and treatment of hazardous waste without a permit, and clean-up the facility. However, SBA was unable to implement any of the actions required under the CAFO.

Thereafter, in December 10, 2002 EPA entered into an Order and Agreement for Interim Measures/Removal Action (IM/RA) of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Docket No. RCRA-6-2002-0908, pursuant to RCRA Section 3008(h) ("2002 Order/Agreement") with SBA and SSIC Remediation, LLC ("SSIC"), an entity formed by certain former customers of SBA's barge cleaning operations to conduct this work. Interim removal activities were conducted from March 2001 through January 2005 under the 2002 Order/Agreement. Interim removal activities consisted of the removing, solidifying, and recycling and/or disposing off-site the waste in the Oil Pit and Water Pit 2 and then over-excavation of the Oil Pit and Water Pit 2; removal and scrapping of above ground storage

tanks; draining and refilling of Water Pit 3; removing all pumpable materials from the partially buried barge and disposing those materials off-site, then welding shut all hatches to that barge; and surface scrapping of all visible materials from a former land treatment unit. By letter dated February 24, 2006, EPA Region 6's RCRA branch reviewed and approved the completion report of the IM/RA activities and concluded that the completion report fulfilled the 2002 Order/Agreement. The IM/RA, however, was intended as an interim response; hazardous substance remained onsite after the IM/RA.

In October 2012, the U.S. Coast Guard and the LDEQ responded to a reported release at the barge cleaning portion of the Site from an attempt to scrap the "boiler barge" and the partially buried storage barge by parties contracted by the owner of the southern portion of the Site.

During 2014 to 2015, EPA conducted a CERCLA emergency removal action and an Oil Pollution Act of 1990 (OPA) removal action after LDEQ reported barge scrapping activities and releases of visible liquids at the Site.

Between December 2012 and September 2014, EPA conducted a preliminary assessment, site inspection and expanded site inspection. As part of the EPA activities, the Agency conducted sampling activities at the Site. During those site activities, EPA sampling documented releases or threats of releases of hazardous substances in the subsurface and groundwater of the Site, the Mermentau River, and wetlands surrounding the Site. Numerous hazardous substances were identified at the Site including petroleum hydrocarbons, numerous polycyclic aromatic hydrocarbons ("PAHs"), dioxins/furans, metals, and volatile organic compounds ("VOCs"). Petroleum and non-petroleum substances found at portions of the Site are or were comingled.

Specific PAHs founds at the Site include: acenaphthene; anthracene; acenaphthylene; benzo(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(g,h,i)perylene; benzo(k)fluoranthene; 1,1'-biphenyl; carbazole; chrysene; dibenzofuran; dibenz(a,h)anthracene; fluoranthene; fluorine; indeno(1,2,3-cd)pyrene; 2-methylnaphthalene; naphthalene; phenanthrene; and pyrene.

Specific dioxins/furans found at the Site include: Chlorinated Dibenzo-p-Dioxins and Chlorinated Dibenzofurans. Those with some of the highest TEQs include: 2,3,4,7,8-Pentachlorodibenzofuran; 2,3,4,6,7,8-Hexachlorodibenzofuran ("HxCDF"); 1,2,3,6,7,8-HxCDF; 1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin; and Octachlorodibenzo-p-dioxin.

Specific metals found at the Site include: arsenic; chromium; cobalt; lead; mercury; manganese; cadmium; copper; nickel; zinc; and barium.

Specific VOCs and Semi VOCs found at the Site include: benzene; cyclohexane; methylcyclohexane; 1,2-dichlorobenzene; ethylbenzene; tetrachloroethene; styrene; isopropylbenzene; tetrachloroethene; xylene; cis-1,2-dichloroethane; toluene; and vinyl chloride.

Local residents reportedly use the Mermentau River for recreational fishing. During the ESI, EPA observed a family of five fishing in the Site's barge slip. HRS documentation of EPA's findings identifies a human food fishery in the Mermentau River, both within and outside the zone of contamination; and Lake Arthur at the terminus of the 15-mile target distance limit.

EPA's findings identify the predominant threat to human populations, animals, or the food chain is the potential for exposure by direct contact with PAHs, VOCs, dioxins/furans, and metals.

Pursuant to CERCLA Section 105, 42 U.S.C. § 9605, the SBA Shipyard site was listed on the National Priorities List (81 FR 62397) on September 9, 2016.

On November 18, 2016, EPA entered into an Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study ("ASAOC") with some of the potentially responsible parties (PRP).

EXPLANATION OF POTENTIAL LIABILITY

Based on the information collected, the EPA believes that you may be liable under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with respect to the Site, as a generator at the Site. Enclosure 1 is the documentation the EPA has that indicates you are a former customer at the Site.

Under CERCLA, specifically Sections 106(a) and 107(a), 42 U.S.C. §§ 9606(a) and 9607(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can qualify for any of the statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Site response actions and Site costs may include, but are not limited to, expenditures for conducting a Removal Action, and other investigation, planning, response oversight, and enforcement activities. In addition, PRPs may be required to pay for damages for injury to, destruction of or loss of natural resources, including the cost of assessing such damages.

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA Section 104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Kenneth Talton, the designated Enforcement Officer for the Site, at phone number (214) 665-7475, fax number (214) 665-6660 or via email at talton.chuck@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Kenneth Talton, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney have legal questions that pertain to this information request letter, please contact Ms. I-Jung Chiang at phone number (214) 665-2160, fax number (214) 665-6460 or via email at Chiang.I-Jung@epa.gov. For contact via mail, use the following address:

Ms. I-Jung Chiang, Attorney
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

The EPA would like to encourage communication between you, other PRPs, and EPA regarding response actions at the Site. If you would like to discuss the opportunity to join the ASAOC mentioned above, please contact Mr. Michael A. Chernekoff, counsel representing the ASAOC PRP group within **30 days** of receipt of this notice letter at the following address:

Michael A. Chernekoff
Partner
Jones Walker LLP
1001 Fannin St., Ste. 2450
Houston, Texas 77002
(713) 437-1827
mchernekoff@joneswalker.com

We encourage you to give this matter your immediate attention. If you choose not to join the settlement or pursue other options to satisfy your potential liability with the EPA, the EPA will evaluate enforcement options

Also included in this letter to assist you are: the evidentiary documents as Enclosure 2; the Small Business Resource Fact Sheet as Enclosure 3; and the parties receiving this letter as Enclosure 4.

FINANCIAL CONCERNS/ABILITY-TO-PAY SETTLEMENTS

The EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. In accordance with Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7), the EPA will review financial information that you submit in order to determine whether you have an inability or a limited ability to pay response costs incurred at the Site. As part of this review, the EPA will take into consideration your overall financial condition and demonstrable constraints on your ability to raise revenue. Based upon the financial information that you may submit, EPA will determine whether it can qualify for a reduction in the settlement amount and/or an alternative payment method within the meaning of Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7).

If you believe that you qualify for a reduction in any settlement amount and/or alternative payment amount under the criteria described in the paragraphs above, please contact Mr. Talton, at 214-665-7475 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and an information request for your relevant financial information, and you will be asked to submit financial records including business federal income tax returns. If the EPA concludes that you have a legitimate inability to pay the full amount of the response costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, e.g., filing for bankruptcy, you must include the EPA as a creditor. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may download a copy of the law at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf> and review the EPA guidances regarding these exemptions at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at <http://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <http://www.epa.gov/resources-small-businesses/forms/contact-us-about-resources-small-businesses>. Finally, the EPA has developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA) and information on resources for small businesses, which is enclosed with this letter as Enclosure B and available on the Agency's website at <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

Thank you in advance for your cooperation. We look forward to working closely with you in the future. If you have any questions regarding the notice or any of the documentation included, please contact Mr. Talton at 214-665-7475 or talton.chuck@epa.gov. Questions concerning legal matters should be directed to the EPA site attorney, Ms. I-Jung Chiang, at 214-665-2160 or chiang.i-jung@epa.gov. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "B. Banipal", with a stylized flourish at the end.

Ben Banipal, P.E., Branch Chief
Technical and Enforcement Branch
Superfund Division

Enclosures:

- 1 Information Request
- 2 Evidentiary Documents
- 3 Small Business Resource Fact Sheet
- 4 Parties Receiving General Notice letter

ENCLOSURE 1

SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA INFORMATION REQUEST

INFORMATION REQUEST

Under the authority of Section 104(e) of Superfund, EPA is requesting you to respond to the attached Information Request and to provide any relevant information related to this Site. Relevant information may include information concerning the type and quantity of substances transported to or treated, stored, or disposed of at the Site and releases of hazardous substances at or from the Site.

If you have information about other parties who may have information which may assist the EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Under Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

(A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at vessel or facility or transported to a vessel or facility; and,

(B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and

(C) information relating to the ability of a person to pay for or to perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. **Failure to respond to such an information request may result in EPA seeking penalties of up to \$53,907 per day of violation.** In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings. We encourage you to give this matter your immediate attention and request that you provide a complete and truthful written response to this Information Request **within (30) calendar thirty days of your receipt of this letter.**

Please be aware that your response may include information that you consider confidential business information. If you make a claim of confidentiality on any of the information you submit to EPA, you must prove that claim for each document.

Instructions on how to respond to the Questions are described in this document. Please send your response to this Information Request to Mr. Kenneth Talton at the address in the letter.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501 et seq.

INSTRUCTIONS AND DEFINITIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
6. The term "hazardous substance" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances.
7. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 CFR Part 261.

8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
9. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.
10. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
11. The term "material(s)" shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes or hazardous wastes.
12. The term "operator" shall mean those persons who operates or operated the facility (i.e., the SBA Shipyard Superfund Site) during the time when the hazardous substances were disposed.
13. The term "owner" shall mean those persons who now own or owned the facility (i.e., the SBA Shipyard Superfund Site).
14. The term "person" shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
15. The terms "pollutant" or "contaminant," shall have the same definition as that contained in Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
16. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

17. The term "Site" or "Facility" shall mean and include the SBA Shipyard Superfund Site located on the west bank of the Mermentau River at the end of Louisiana Highway 3166 approximately four miles southeast of Jennings, Louisiana and approximately two miles southwest of the Mermentau River. SBA is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is within Section 19 of Range 2W, Township 10S.
18. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 40 CFR Part 261.
19. The term "you" or "your" or "Respondent" or "you" shall mean the addressee of this Request, including the addressee's officers, managers, employees, contractors, tastes, partner, successors and agents.
20. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
21. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.
22. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

GENERAL INFORMATION CONCERNING RESPONDENT

1. Provide the full legal name and mailing address of the Respondent.
2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.
3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.
4. If Respondent is a business, please give a brief description of the business formation and nature of the business.

REQUESTS FOR DOCUMENTS

Please identify (see Definitions) and provide copies of all documents (see Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question.

Section 1

1. Have you or any associated and/or related entities in any way been involved with or conducted business with the Site?
 - a. If so, please describe your involvement with the Site.
 - b. Provide copies of documents related to any involvement with the Site.

Section 2

2. Please identify any dealings or transactions you and/or any associated entities have or had with SBA Shipyards, Inc., Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/a LEEVAC Shipyards Jennings, LLC. Please provide a brief description of the nature of those dealings or transactions and the timeframes during which those dealings and transactions occurred.
 - a. Specifically, provide date(s) that your barge(s) were sent to and/or removed from the Site, the type of product and/or material your barges brought to the Site, the name and contact information of the person who made such arrangements.

3. Please provide any and all documents in your possession that are related to the dealings and transactions detailed in Question 2 above.
4. Please include a detailed listing of cargo materials from transactions described in Question 2, the materials data safety sheet, dates of transaction, and any quantity associated with those materials.
5. Identify all of the individuals who currently have and those who have had responsibility for the Respondent's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of the Respondent's wastes). This information shall include, but not be limited to, the following:
 - a. Each individual's job title and duties (including the dates performing those duties),
 - b. The supervisors for such duties,
 - c. The current position or the date of the individual's resignation,
 - d. The nature of the information possessed by such individuals concerning the Respondent's waste management, and
 - e. The contact information of the individual.
6. Does the Respondent's company or business have a permit(s) issued under RCRA? If so, provide a copy(ies) of the permit(s).
7. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.
8. Does the Respondent's company or business have, or has it ever had, a permit(s) under the hazardous waste laws of the State? If so, provide a copy(ies) of the permit(s).
9. Does the Respondent's company or business have an EPA Identification Number, or an identification number supplied by the State? If so, supply any such identification number(s).
10. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.
11. Provide copies of all documents created or kept by the Respondent related to the nature, quantity, or source of the materials taken to the Site.

12. If barges were placed on or disposed of at the Site, provide the following information:
 - a. Where they were placed or disposed, and
 - b. Their conditions when placed or disposed.
13. Identify other individuals and entities that the Respondent has reason to believe may have taken or sent materials to the Site. Of these individuals and entities, specify which were observed by the Respondent at the Site and indicate when those observations were made. Provide all of the information known by the Respondent regarding the customers of these entities or individuals.

ENCLOSURE 2

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
GENERAL NOTICE LETTER**

EVIDENTIARY DOCUMENTATION

Invoices and/or Marine Chemist Certificates

Survey Requested by S.A. S.Y. Vessel Owner or Agent ALLIED TRADING Date 4-21-86
Vessel KELLY Type of Vessel TANK BARGE Specific Location of Vessel LA
List Three (3) Cargoes ASPHALT Test Method OC/LEC/USUAL Time Survey Completed 9:45 PM

BOW RAKE VOIDS P/S SAFE FOR WORKERS
STERN RAKE VOIDS P/S COATED WITH EUREKA PRESERVATIVE

No. 1 DOUBLE BOTTOM (STEP) SAFE FOR WORKERS
SAFE FOR HOTWORK

DOUBLE BOTTOMS
No. 1 P/S / 2 P/S / 3 P/S / 4 P/S / 5 P/S / 6 P/S - SAFE FOR WORKERS
ASPHALT BOTTOMS

CARGO TANKS
No. 1-2-3-4-5 SAFE FOR HOTWORK WITH
AREA CLEANED OR COVERED
WITH FIRE RETARDANT
MATERIAL IN WAY OF HOTWORK
PUMP ROOM FIRE WATCH WITH CHARGE
FIRE HOSE REQD. ON STAND-BY

VENTS TO CARGO TANKS - SAFE FOR HOTWORK WITH PLUG IN
OPEN END OF VENT PIPE

PORTABLE AIR VENTILATION REQD. IN WORK TANK.

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or reissue of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 308 Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2).

SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

SAFE FOR HOT WORK: Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

NOT SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY: Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 305 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

"The undersigned acknowledges receipt of this Certificate under Section 2-3 of NFPA 306 and understands conditions and limitations under which it was issued."

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Signed [Signature] Date 4/21/86 Signed [Signature] Certificate No. 577
Name Company Date Marine Chemist

NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS.

MARINE CHEMISTS, INC. OF TEXAS
P. O. Box 3602 Beaumont, Texas 77704
(409) 832-6409, 866-4822, 866-4223

W. B. HAZENBY 537 R. L. MERCER 577

MARINE CHEMIST CERTIFICATE

SERIAL NO. B135140

8 21/85

SBA SHIPYARD

Survey Requested by KELLY	Vessel Owner or Agent TANK BARGE	Date SBA HERMENTAU S Y
Vessel ASPHALT, BUNKER C	Type of Vessel JW COMB	Specific Location of Vessel 4:00 PM
Last Three (3) Cargoes	Test Method	Time Survey Completed

CARGO TANKS 1-5-----less than 5% LEL, some residue, secured

FORWARD RAKE P&S-----0% LEL, some Eureka type coating, SAFE FOR WORKERS, WITH VENTILATION

AFTER RAKE, PORT SIDE-----0% LEL, some Compound H type coating, SAFE FOR WORKERS, WITH VENTILATION

AFTER RAKE, STBD SIDE-----0% LEL, oil film over water, SAFE FOR WORKERS, WITH VENTILATION.

AFTER PUMP ROOM-----0% LEL, oil in bilges, SAFE FOR WORKERS, WITH VENTILATION.

WING DOUBLE BOTTOMS 1 P&S, 5S-----SAFE FOR WORKERS, SAFE FOR HOT WORK WITH AIR VENTILATION

WING DOUBLE BOTTOMS 2P&S, 3P&S, 4P&S, 5P, 6P&S-----0% LEL, some product residue, put water over product, then SAFE FOR HOT WORK ON OUTSIDE bottom to weld nipple to drill hole

SAFE FOR HOT WORK ON MAIN DECK. NOT AGAINST CARGO TANKS

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heading coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 308-1980, Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2).

SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers has not been met.

SAFE FOR HOT WORK: Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

NOT SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY: Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 308-1980 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

"The undersigned acknowledges receipt of this Certificate under Section 2-3 of NFPA 308-1980 and understands conditions and limitations under which it was issued."

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Signed _____ Date 8/21/85 Signed _____
Name _____ Company _____ Marine Chemist _____ Certificate No. _____

NOTE: THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

MARINE CHEMISTS, INC. OF TEXAS
P. O. Box 3602 Beaumont, Texas 77704
(409) 832-6409, 866-4822, 866-4223
W. B. Hatzway 537 K. L. Mercer 577

W.O.# 978

SERIAL NO. D 18787

Survey Requested by SBA S.V. Vessel Owner or Agent ALLIED Date 8-1-86
Vessel T-50 Type of Vessel TANK BARGE Specific Location of Vessel SBA/Hennings L
CAUSTIC SOAP Test Method O₂/LEL/Visual Time Survey Complete 3:00 PM
Last Three (3) Cargoes

BOW RAKE VOID
VOID AFT OF BOW RAKE
CO₂ COMP. (FORWARD)

STERN RAKE VOID
CO₂ COMP. (AFT)

SAFE FOR WORKERS
SAFE FOR HOTWORK

PORTABLE AIR VENTILATION REQ'D. IN WORK AREA

VOID, FORWARD OF STERN RAKE - 0% LEL / 20.8% OXYGEN
CHECKED TAPIC SOUNDING TUBE
UNABLE TO OPEN HATCH

CARGO TANKS #1-2-3-4 P/S } SAFE FOR WORKERS
MID TRANSVERSE COFFER DAMS P/S } SAFE FOR HOTWORK

WING VOID D.B. 1"
1-2-3-4-5 P/S - 0% LEL / 20.8% OXYGEN
NOT SAFE FOR WORKERS. SOME CAUSTIC SOAP

THIS VESSEL IS SAFE FOR HOTWORK ON EXTERNAL SHELL AND ON
OPEN DECK.

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2).

SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

SAFE FOR HOT WORK: Means that in the compartment so designated: (a) oxygen content of the atmosphere is at least 19.5 percent by volume, with the exception of inerted spaces or where external hot work is to be performed; and that, (b) the concentration of flammable materials in the atmosphere is below 10 percent of the lower flammable limit; and that, (c) the residues are not capable of producing a higher concentration than permitted by (b) above under existing atmospheric conditions in the presence of fire, and while maintained as directed on the Marine Chemist's Certificate; and further, that, (d) all adjacent spaces containing or having contained flammable or combustible materials have been cleaned sufficiently to prevent the spread of fire, or are satisfactorily inerted, or, in the case of fuel tanks or lube oil tanks, or engine room or fire room bilges, have been treated in accordance with the Marine Chemist's requirements.

NOT SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY: Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

CHEMIST'S ENDORSEMENT: This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

"The undersigned acknowledges receipt of this Certificate under Section 2-3 of NFPA 306 and understands conditions and limitations under which it was issued."

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Signed R. B. Hatzway SBA 8/1/86 Date 8/1/86 Signed Kenneth J. Mercer 577
Name Company Date Marine Chemist Certificate No.

NOTE THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

Survey Requested by SAR S.V. Vessel Owner or Agent ALLIED TRADING Date 4-21-86
KELLY Type of Vessel TANK BARGE Specific Location of Vessel SEA/STENNING
 Vessel ASPHALT Test Method Or/LEL/Visual Time Survey Completed 9:45 PM
 Last Three (3) Cargoes _____

BOW RAKE VOIDS P/S } SAFE FOR WORKERS
 STERN RAKE VOIDS P/S } COATED WITH EUREKA PRESERVATION

No. 1 DOUBLE BOTTOM (STBD) SAFE FOR WORKERS
 SAFE FOR HOTWORK

DOUBLE BOTTOMS
 No. 1 P/ 2 P/S/ 3 P/S/ 4 P/S/ 5 P/S/ 6 P/S - SAFE FOR WORKERS
 ASPHALT BOTTOMS

CARGO TANKS
 No. 1-2-3-4-5
 PUMP ROOM
 SAFE FOR HOTWORK WITH
 AREA CLEANED OR COVERED
 WITH FIRE RETARDANT
 MATERIAL IN WAY OF HOTWORK
 FIRE WATCH WITH CHARGE
 FIREHOSE REQD. ON STAND-BY

VENTS TO CARGO TANKS - SAFE FOR HOTWORK WITH PLUG IN
 OPEN END OF VENT PIPE

PORTABLE AIR VENTILATION REQD. IN WORK TANK.

In the event of any physical or atmospheric changes adversely affecting the STANDARD SAFETY DESIGNATIONS assigned to any of the above spaces, or if in any doubt, immediately stop all work and contact the undersigned Marine Chemist.

QUALIFICATIONS: Transfer of ballast or manipulation of valves or closure equipment tending to alter conditions in pipe lines, tanks or compartments subject to gas accumulation, unless specifically approved in this Certificate, requires inspection and endorsement or release of Certificate for the spaces so affected. All lines, vents, heating coils, valves, and similarly enclosed appurtenances shall be considered "not safe" unless otherwise specifically designated.

STANDARD SAFETY DESIGNATIONS (partial list, paraphrased from NFPA 306 Subsections 1-6.1 through 1-6.4, and Subsection 5-3.2).

SAFE FOR WORKERS: Means that in the compartment or space so designated: (a) the oxygen content of the atmosphere is at least 19.5 percent by volume; and that, (b) toxic materials in the atmosphere are within permissible concentrations; and that, (c) the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Marine Chemist's Certificate.

NOT SAFE FOR WORKERS: Means that in the compartment or space so designated, the requirements of Safe for Workers have not been met.

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NOT SAFE FOR HOT WORK: Means that in the compartment so designated, the requirements of Safe for Hot Work have not been met.

SAFE FOR REPAIR YARD ENTRY: Means that the compartments and spaces of the flammable cryogenic liquid carrier so designated: (a) have been tested by sampling at remote sampling stations, and results indicate the atmosphere tested to be above 19.5 percent oxygen, and less than 10 percent of the lower flammable limit, or (b) are inerted.

CHEMIST'S ENDORSEMENT. This is to certify that I have personally determined that all spaces in the foregoing list are in accordance with NFPA 306 Control of Gas Hazards on Vessels and have found the condition of each to be in accordance with its assigned designation.

"The undersigned acknowledges receipt of this Certificate under Section 2-3 of NFPA 306 and understands conditions and limitations under which it was issued."

This Certificate is based on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Signed [Signature] Date 4/21/86 Signed [Signature] Certificate No. 577
 Name _____ Company _____ Date _____ Marine Chemist _____

NOTE THIS CERTIFICATE IS VALID ONLY ON MARINE VESSELS

ENCLOSURE 3

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
GENERAL NOTICE LETTER**

SMALL BUSINESS RESOURCES FACT SHEET



Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers (Centers) that provide information targeted to industries with many small businesses. All Centers can be accessed at:
<http://www.assistancecenters.net>

Metal Finishing

(1-800-AT-NMFRC or www.nmfr.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/agriculture)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

Transportation Industry

(1-888-459-0656 or www.transource.org)

Paints and Coatings

(1-800-286-6372 or www.paintcenter.org)

Construction Industry

(www.cicacenter.org)

Automotive Recycling Industry

(www.ecarcenter.org)

US / Mexico Border Environmental Issues

(www.bordercenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Small Business Policy (<http://www.epa.gov/compliance/incentives/smallbusiness>) and

Audit Policy (<http://www.epa.gov/compliance/incentives/auditing>).

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community because the regulated community previously commented on its activities.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

ENCLOSURE 4

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
PARTIES RECEIVED GENERAL NOTICE LETTER DATED OCTOBER 15, 2015**

Bunge Street Properties, LLC
Christian G. Vaccari
Registered Agent
217 North Columbia Street
Covington, Louisiana 70433

Suzanne Smailhall Cornelius
6430 Buffalo Speedway
Houston, Texas 77005

SBA Shipyards, Inc.
D. Keith Wall
Registered Agent
302 East Nezpique Street
Jennings, Louisiana 70546

SBA Shipyards, Inc.
6430 Buffalo Speedway
Houston, Texas

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
PARTIES RECEIVED GENERAL NOTICE LETTER DATED OCTOBER 4, 2016**

Allied Towing
c/o Allied Towing Service LLC
Francis J. Lobrano
Registered Agent for Allied Towing Service LLC
147 Keating Dr.
Belle Chasse, Louisiana 70037

Allied Towing
c/o Allied Towing Service LLC
12608 Hwy 23
Belle Chase, Louisiana 70037

Koppers Company Inc.
c/o Beazer East Inc.
Jill M. Blundon
Registered Agent for Beazer East Inc.
436 Seventh Ave.
Pittsburgh, Pennsylvania 15219

Koppers Company Inc.
c/o Beazer East Inc.
99 Wood Ave. South
Iselin, New Jersey 08830

Koppers Company Inc.
c/o Beazer East, Inc.
1910 Cochran Rd., Suite 200
Pittsburgh, Pennsylvania 15220

Higman Marine Service
c/o Higman Services Corporation
CT Corporation System
Registered Agent for Higman Services Corporation
5615 Corporate Blvd., Suite 400B
Baton Rouge, Louisiana 70808

Higman Marine Service
c/o Higman Services Corporation
Attn: Legal Department
1980 Post Oak Blvd., Suite 1101
Houston, Texas 77056

Ingram Barge Co.
CT Corporation System
Registered Agent for Ingram Barge Co.
5615 Corporate Blvd., Suite 400B
Baton Rouge, Louisiana 70808

Ingram Barge Co.
4400 Harding Road
Nashville, Tennessee 37205

Hall-Buck Marine
c/o Kinder Morgan Bulk Terminals Inc.
CT Corporation System
Registered Agent for Kinder Morgan Bulk Terminals Inc.
5615 Corporate Blvd., Suite 40B
Baton Rouge, Louisiana 70808

Hall-Buck Marine
c/o Kinder Morgan Bulk Terminals Inc.
Attn: Legal Department
7116 Hwy 22
Sorrento, Louisiana 70778

Hollywood Marine Inc.,
c/o Kirby Inland Marine, LP
Registered Agent
d/b/a CSC-Lawyers Incorporating Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701-3136

Hollywood Marine Inc.
c/o Kirby Inland Marine LP
Corporation Service Co.
Registered Agent for Kirby Inland Marine LP
320 Somerulos St.
Baton Rouge, Louisiana 70802-6129

Hollywood Marine Inc.
c/o Kirby Inland Marine LP
Attn: Legal Department
55 Waugh Dr., Suite 1000
Houston, Texas 77007

Steuart Transportation Company
Registered Agent
National Registered Agents, Inc., of MD
351 W Camden Street
Baltimore, Maryland 21201

Steuart Transportation Company
5454 Wisconsin Avenue, Suite 1600
Chevy Chase, Maryland 20815

Sabine Towing
c/o Sabine Towing & Transportation Co. Inc.
CT Corporation System
Registered Agent for Sabine Towing & Transportation Co.
Inc.
5615 Corporate Blvd. Suite 400B
Baton Rouge, Louisiana 70808

Sabine Towing & Transportation Co. Inc.
c/o Sequa Corporation
Attn: Legal Department
300 Blaisdell Rd.
Orangeburg, New York 10962

Sun Oil Company
c/o Sunoco, Inc.
Corporation Service Company
Registered Agent for Sunoco, Inc.
1703 Laurel Street
Columbia, SC 29201

Sun Oil Company
c/o Sunoco, Inc.
1735 Market Street, Suite LL
Philadelphia, Pennsylvania 19103

Sun Oil Company
c/o Sunoco, Inc.
Kevin Dunleavy, Chief Counsel
Law Department,
1735 Market Street, Suite LL
Philadelphia, PA 19103

Sun Terminals of Louisiana
c/o Sunoco, Inc.
Corporation Service Company
Registered Agent for Sunoco, Inc.
1703 Laurel Street
Columbia, SC 29201

Sun Terminals of Louisiana
c/o Sunoco, Inc.
1735 Market Street, Suite LL
Philadelphia, Pennsylvania 19103

Sun Terminals of Louisiana
c/o Sunoco, Inc.
Kevin Dunleavy, Chief Counsel
Law Department
1735 Market Street, Suite LL
Philadelphia, PA 19103

State of Louisiana
Department of Transportation &
Development (DOTD)
P.O. Box 94245
Baton Rouge, Louisiana 70802

State of Louisiana
Department of Transportation &
Development (DOTD)
Brandon Brown, General Counsel
P.O. Box 94245
Baton Rouge, Louisiana 70802

State of Louisiana
Department of Transportation &
Development (DOTD)
Kevin Reed, Ferry Systems Engineer
P.O. Box 94245
Baton Rouge, Louisiana 70802

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
PARTIES RECEIVED GENERAL NOTICE LETTER DATED OCTOBER 24, 2016**

Koppers Company, Inc.
c/o Beazer East, Inc.
Paul S. Kline, Esq.
Environmental Counsel
Three Rivers Management, Inc.
Agent for Beazer East Inc.
1910 Cochran Rd.
Manor Oak One, Suite 200
Pittsburgh, Pennsylvania 15220

Steuart Transportation Company
John R. Clark III, President
5454 Wisconsin Avenue, Suite 1600
Chevy Chase, Maryland 20815

Kyle Shaw
Higman Service Corporation as Successor to Higman
Barge Lines, Inc.
1980 Post Oak Boulevard, Suite 1101
Houston, Texas 77056

Higman Service Corporation as Successor to Higman
Barge Lines, Inc.
c/o Edward F. LeBreton, III
Fowler Rodriguez
400 Poydras Street, 30th Floor
New Orleans, Louisiana 70130

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
PARTIES RECEIVING GENERAL NOTICE AND 104(E) LETTER**

Allied Towing
c/o Allied Marine Industries, Inc.
500 East Indian River Road
Norfolk, Virginia 23523

Transerve Marine Inc.
c/o Allied Marine Industries, Inc.
500 East Indian River Road
Norfolk, Virginia 23523